

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DWAYNE SMITH,
Petitioner,
v.
C.K. PLILER, Warden,
Respondent.

Case No. CV 02-0051-JVS (JWJ)

ORDER ADOPTING
REPORT AND
RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

Pursuant to 28 U.S.C. Section 636(b)(1)(C), the Court has reviewed the instant Fourth Amended Petition along with the attached Report and Recommendation of the United States Magistrate Judge, and has made a de novo determination of the Report and Recommendation. Further, the Court has engaged in a de novo review of those portions of the Report to which Petitioner has objected.

IT IS ORDERED that a Judgment be issued denying the instant Fourth Amended Petition and dismissing the action with prejudice.

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1 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of
2 this Order and the Judgment of this date on counsel for Petitioner and Respondent.

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4 DATED: October 24, 2008



5 JAMES V. SELNA
6 United States District Judge
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